



**US Army Corps
of Engineers**
Omaha District

SPECIAL PUBLIC NOTICE

**TO ANNOUNCE A GENERIC PROHIBITION AGAINST
THE DISCHARGE OF SPECIFIED MATERIALS AS
FILL INTO WATERS OF THE UNITED STATES
WITHIN THE REGULATORY BOUNDARIES OF THE
OMAHA DISTRICT**

Issue Date: August 4, 2003

North Dakota Regulatory Office 1513 South 12th Street Bismarck, North Dakota 58504

The Omaha District, U.S. Army Corps of Engineers, by public notice on **January 8, 1988** and again on **March 21, 1994**, did issue a generic prohibition against the discharge of specified materials as fill into waters of the United States under the Clean Water Act (33 U.S.C. 1344). These prohibitions were resubmitted to the public for consideration of re-issuance on **April 10, 2002**.

Based on our evaluation of the comments received, both from the regulated public and from within the Omaha District, we have determined that these prohibitions, with modifications, are not contrary to the public interest and should be continued. The prohibitions below will become effective upon issuance of this public notice.

The following materials are hereby prohibited or restricted as fill material in waters of the United States within the regulatory boundaries of the Omaha District.

- 1. Vehicle bodies, farm machinery and metal junk including appliances, metal containers and metal are prohibited. Plastic barrels for flotation devices and markers are not a part of this prohibition.**
- 2. The use of small aggregate, regardless of source, shall not be placed below the ordinary high water mark of a water body or wetland for the purpose of bank stabilization or erosion control when the proposed project will be unstable and/or subject to frequent failure.**
- 3. The use of old or used asphalt as a fill material and the use of asphalt in general for bank stabilization or erosion control.**
- 4. The use of organic debris as fill is prohibited. However, properly anchored trees, treetops, root wads and hay bales are to be allowed on a case-by-case basis.**

SPECIAL PUBLIC NOTICE**GENERIC PROHIBITION**

5. Building materials including wood debris, sheet rock, roofing materials, brick, cinder block, and chemically treated materials subject to leaching when in an aquatic environment are prohibited. The use of clean brick, broken concrete and cinder block employed for erosion control or bank stabilization separate from other building materials will be considered on a case-by-case basis. Such materials, if approved, shall be covered by earthen materials for both aesthetics and safety. Broken concrete shall be free of exposed rebar, asphalt, or other erodable materials with each piece being no longer than 3.5 times its width.

6. Tires may be used when placed in the form of a mat or other design and anchored. Tires shall not be used in situations where the risk of design failure seems likely. Cabling with more than one wire segment will protect against structural failure by providing redundancy regarding support for the structure.

Please note that this Special Public Notice does not negate the requirement to obtain proper authorizations for any discharge of dredged or fill material into a water of the United States. Anyone considering such work is encouraged to contact the nearest field office listed below for information and assistance.

MONTANA

Allan Steinle
Helena Regulatory Office
10 West 15th Street, Suite 2200
Helena, MT 59626
PH 406-441-1375
FAX 406-441-1380

NORTH DAKOTA

James Winters
North Dakota Regulatory Office
1513 South 12th Street
Bismarck, ND 58504
PH 701-255-0015
FAX 701-255-4917

SOUTH DAKOTA

Steve Naylor
South Dakota Regulatory Office
28563 Powerhouse Road, Rm 118
Pierre, SD 57501
PH 605-224-8531
FAX 605-224-5945

NEBRASKA

Keith Tillotson
Wehrspann Regulatory Office
8901 South 154th Street
Omaha, NE 68138-3621
PH 402-896-0896
FAX 402-896-0997

COLORADO

Tim Carey
Denver Regulatory Office
9307 South Wadsworth Boulevard
Littleton, CO 80128-6901
PH 303-979-4120
FAX 303-979-0602

WYOMING

Matthew Bilodeau
Wyoming Regulatory Office
2232 Dell Range Boulevard, Suite 210
Cheyenne, Wyoming 82009-4942
PH 307-772-2300
FAX 307-772-2920